



Atty. Dkt. No. 040014-0178

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael J. Walsh et al.

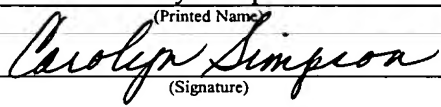
Title: SPOUT

Appl. No.: 10/627,200

Filing Date: 07/25/2003

Examiner: Nicolas, Frederick C.

Art Unit: 3754

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 593170992 US	10/19/05
(Express Mail Label Number)	(Date of Deposit)
Carolyn Simpson	
(Printed Name)	
	
(Signature)	

RESPONSE TO RESTRICTION REQUIREMENT and PRELIMINARY AMENDMENT
UNDER 37 CFR 1.115

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed September 19, 2005, Applicant hereby provisionally elects Species B: Figures 12-15, with traverse.

It is submitted that the examination of both Species A and B can be completed with a single search and does not represent a burden on the system. It is respectfully requested that the restriction requirement be withdrawn.

With the exception of claims 13 and 37 which are provisionally withdrawn the remaining claims as originally filed or currently amended are either generic or cover Species B.

Prior to examination of the present Continuing Application, Applicant respectfully requests that the application be amended as follows:

Amendments to the Specification begin on page 3 of this document.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this document.

Remarks/Arguments begin on page 10 of this document.

Please amend the application as follows:



10-21-05

1fw

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Carolyn Simpson	
(Printed Name)	
<i>Carolyn Simpson</i>	
(Signature)	

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ [X] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	48	-	48	=	0	x	\$50.00	=	\$0.00
Independent Claims:	5	-	5	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:					+		\$360.00	=	\$0.00
CLAIMS FEE TOTAL									\$0.00

- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$0.00

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 10/19/05

By 

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5772
Facsimile: (414) 297-4900

Keith D. Lindenbaum
Attorney for Applicant
Registration No. 40,365